

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PELESTINE CLAYBRON,

Petitioner,

vs.

CASE NO. 05-73676
HON. LAWRENCE P. ZATKOFF
MAGISTRATE JUDGE PAUL J. KOMIVES

CLARICE STOVALL,

Respondent.

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**OPINION AND ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, and a Motion for an Evidentiary Hearing on September 26, 2005. Respondent filed a response brief. This matter is currently before the Court on Magistrate Judge Komives Report and Recommendation of December 15, 2006, in which the Magistrate Judge recommends that both the Petition and the Motion should be denied. Petitioner filed an objection to the Report and Recommendation.

The Court has undertaken a thorough review of the court file, the Report and Recommendation, and the objection to the Magistrate Judge's Report and Recommendation filed by Petitioner. As a result of that review, the this Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court.

Therefore, IT IS HEREBY ORDERED that Petitioner's Petition for Writ of Habeas Corpus and Motion for an Evidentiary hearing are DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: February 20, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 20, 2007.

s/Marie E. Verlinde
Case Manager
(810) 984-3290